

## REMARKS

Claims 1-33 are pending. An Office Action mailed September 15, 2006 rejected Claims 1-33 under 35 USC § 102(b). By way of this amendment, Applicant hereby amends Claim 1 and cancels Claims 2 and 7-33. Pursuant to under 37 CFR § 1.111, Applicant hereby respectfully requests reconsideration of the application.

### REJECTION OF CLAIMS UNDER 35 USC § 102(b)

The Office Action rejected Claims 1-33 as being anticipated by, or alternatively, obvious over, a document found on an Internet site and entitled "Pond Linear Installation Procedures." With regard to amended Claim 1, Applicant respectfully traverses this rejection.

Applicant hereby amends Claim 1 to include the limitations from cancelled Claims 7-9 and text that is supported on page 4, lines 3-9 of the specification. Applicant submits that Pond Linear Installation Procedures makes no mention of including a boundary indicator, a liner, a plurality of stones, a package of mortar, and a pump within a container. Also, Pond Linear Installation Procedures makes no mention that the size of the boundary indicator, the liner, the pump, and the package of mortar and the number of stones are based on predefined pond size.

Pond Linear Installation Procedures makes no mention of the size for any of the components for making a pond. This is left up to the builder, thus requiring the builder to figure out first what materials they need and how much of it they need. The present invention is an all-in-one kit. The installer need not worry about what type and quantity of components to buy (e.g., types and number of rock/stones). It is all included. As such, the assignee has realized commercial success of their product, because consumers have determined that there is a significant time and efforts savings by purchasing the kit. If required, proof of commercial success can be provided.

Therefore, Applicant submits that Pond Linear Installation Procedures fails to teach or suggest the present invention. Therefore, Claims 1 and 3-6 are allowable over the cited reference.


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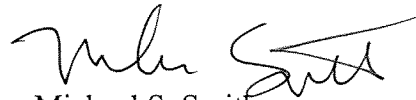
  
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## CONCLUSION

For the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejections of the claims. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to call the undersigned at his convenience.

Respectfully submitted,

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